

APPROVED AS AMENDED BY THE BOARD OF SELECTMEN

**TOWN OF DARIEN  
BOARD OF SELECTMEN  
REGULAR MEETING  
OCTOBER 17, 2005**

**ATTENDANCE:** 1st Selectwoman Evonne Klein; Joseph Miceli;  
Linda Santarella; Robert Harrel, Jr.; Barbara Thorne

**STAFF:** John Crary, Administrative Officer

**OTHERS:** John Wayne Fox, Town Counsel

**CALL TO ORDER**

1st Selectwoman Klein called the Regular Meeting to order at 7:35 p.m.

**PUBLIC HEARING ON DRAFT NOISE ORDINANCE**

1st Selectman Klein asked Wayne Fox, Town Counsel, to recap the purpose of the noise ordinance draft. He stated that the purpose was to develop a discussion and give the public an opportunity to talk. He reported that it gave guidelines based on an ordinance that was working in Stamford and was enforced by their Police Department. He reported that he and Mr. Crary had discussions with Town officials and the Police Chief and that this was a work in progress. Mr. Harrel questioned how many other Towns used the noise ordinance. Mr. Fox replied that he knew of New Canaan and Westport using it.

Ms. Klein then opened the public hearing. Carolyn Bayne, 5 Windsor Road, stated that she was happy to see it being done. She said that she was a volunteer for the Darien Environmental Group, and numerous people had complained to her about the noise, but her group was not involved in it. Some of the issues she collected were outdoor speakers, unattended barking dogs, recreational vehicles, leaf blowers, and garbage trucks out early in the morning. Julie Harrington, Pear Tree Point, stated that trucks and bulldozers were starting at 6:00 a.m. on Pear Tree Point. John Overlander, Overlander Place, reported that there was a problem with trucks downshifting and changing gears creating a loud noise. Walter Raleigh, 369 Middlesex Road, stated that some Town's have a prohibition against jake breaks. Ms. Klein replied that the Town sent testimony supporting jake break legislation but it was not passed.

**\*\* MR. HARREL MOVED TO CLOSE THE PUBLIC HEARING.**  
**\*\* DR. MICELI SECONDED.**  
**\*\* MOTION PASSED UNANIMOUSLY.**

Ms. Thorne commented that in putting the draft together it would be wise to invite the Public Safety Chairman to be party to the discussions. Ms. Klein stated that the next step was to take this under advisement and incorporate changes for further review.

### **1st SELECTWOMAN'S REPORT**

The 1st Selectwoman stated she would update the Board on the CL&P Glenbrook cable project. She reported her concern about a letter to the Editor of the newspaper criticizing on how they were dealing with the Brookside Drive project. She stated that Wednesday night she will meet with the residents of Brookside Drive. Early on she met with the residents and CL&P answered their questions. She said there was a very strong cry to find an alternate route for the project. She stated that CL&P identified an alternate route and did not tell her about it. She stated that in September she met with Brookside Drive residents and they drafted a memo of understanding that the residents want to reach an agreement with CL&P. She reported that she did not have any new news to report in the last month.

The 1st Selectwoman reported that the Connecticut Statewide Rest Area group held their first meeting. She reported that this was a 30 year plan that the State is working on to improve the services and develop facilities that are safety staffed at rest areas. She stated that the Town will participate in this project.

The 1st Selectwoman reported that she just received a request from the Commission on Aging to reduce dump fees for seniors. She stated that she supports the request and the Board should do a financial analysis on this request. The Board concurred.

The 1st Selectwoman reported that pertaining to the speed change lanes on I-95, the DOT had gotten back to her about making the change at Exit 14. They explained that to do the change at Exit 14 was a more involved process and Exit 10 was one of the easiest construction projects because there was no right of way or wetlands issue. She reported that they will replace the sound barriers with ones that are a newer quality.

The 1st Selectwoman reported that she is pursuing a piece of property at Jakes Place and Exit 12 for employee and commuter parking. She reported that she attended an EVAC meeting to discuss statewide and local evacuation routes.

The 1st Selectwoman reported that the train stations are now open on weekends. The 1st Selectwoman reported that October is Breast Awareness and Domestic Violence month.

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She reported that on October 6 the Board of Finance will meet to set up a Commission to raise the income for tax relief for Seniors.

### **ADMINISTRATIVE OFFICER'S REPORT**

Mr. Crary reported that today he attended a seminar on Community Development Grants pertaining to federal grants administered by the State. He reported that this might be a source of funds for the rebuilding or the building of a new Senior Center. He reported that he learned how the application has to be put together and it was a complicated process. He stated that the Town was eligible for a substantial grant for the project and it met the criteria to receive up to \$750,000.

Mr. Crary reported that fuel, gasoline and diesel has gone up substantially since last year and 50% higher than last year's budget. He reported that the contract for fuel gasoline is locked in at \$1.34 until the end of December and will be locked in for another year.

### **SENIOR CENTER TASK FORCE REPORT**

Ms. Santarella reported that they will be holding a public information meeting on November 15<sup>th</sup> at 7:30 p.m. at the Senior Center. She stated that people will be coming to express their vision on the Senior Center. She reported that last week the Board of Finance approved additional funding for asbestos. She encouraged everyone to fill out a vision brochure that appeared in last week's newspaper.

### **NEW BUSINESS**

#### **a) Discuss and Take Action on the plan recommended by the Deer Management Committee for the control of deer**

The 1st Selectwoman noted that Kent Haddock, Chip Stahl and Rob Lucas were present. Ms. Santarella questioned if the plan for deer control should go to the Parks and Recreation Commission for their approval since there will be hunting on public land. Ms. Klein stated that the Board of Selectmen can recommend the plan to Parks and Recreation. Mr. Harrel commented that he thought there should be a public hearing on this. Ms. Klein stated that they could also hold an informational meeting.

- \*\* DR. MICELI MOVED TO PASS ON TO THE PARKS AND RECREATION COMMISSION THE PLAN RECOMMENDED BY THE DEER MANAGEMENT COMMITTEE FOR THE CONTROL OF DEER.**
- \*\* MS. THORNE SECONDED.**
- \*\* MOTION PASSED UNANIMOUSLY.**

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**b) Discuss the adoption of an ordinance to regulate the placement of news racks**

The 1st Selectwoman reported that she has received many complaints about the placement of news racks, particularly downtown. Wayne Fox commented that there has been a great deal of legislation on this issue through the years and that news racks cannot be prohibited but the size, look, and placement could be controlled. He reported that the sample ordinance that was distributed to the Board was a concept that was used in other locales and it was a limiting control concept.

The 1st Selectwoman stated that this item would be brought back before the Board in the future.

**c) Discuss and Take Action on the proposed changes to Darien Ordinances re: Harbors and Waters**

**\*\* MR. HARREL MOVED TO APPROVE THE PROPOSED CHANGES TO THE DARIEN ORDINANCES RE: HARBORS AND WATERS.**  
**\*\* MS. THORNE SECONDED.**  
**\*\* MOTION PASSED UNANIMOUSLY.**

**d) Discuss and Take Action on the request to lease Town land at the Transfer Station**

Wilder Gleason stated that his client would like to expand the existing automotive dealership on this property. Mr. Harrel commented that the Town may not know if they will need this land in the future and he would hate to give it up. The Board discussed that a long term lease could be given.

**\*\* MS. SANTARELLA MOVED THAT PERMISSION BE GIVEN TO PROCEED WITH APPLICATIONS TO THE LOCAL LAND USE BOARDS REGARDING THE REQUEST TO LEASE TOWN LAND AT THE TRANSFER STATION.**  
**\*\* DR. MICELI SECONDED.**  
**\*\* MOTION PASSED UNANIMOUSLY.**

**e) Discuss State of Connecticut, Dept. of Agriculture shellfish survey results, draft shellfish policy and draft shellfish ordinance**

The 1st Selectwoman thanked Sandy MacDonald and Bud Raleigh for their work on this project. Mr. Raleigh reviewed the results of the shellfish survey and stated that there were three dredged tows. He reported that they found hard clams in the area that was commercially harvested and fewer clams in recreational areas. He also reported that at station six the results indicated a one year old oyster set which will be surveyed again next spring to measure additional oyster sets.

**f) Discuss Inwood Road drainage improvement.**

The 1st Selectwoman stated that she met with five neighbors of Inwood Road and looked at the water path that creates a problem of drainage during heavy rain. She reported that Bob Steeger had worked up some numbers to improve the drainage problem. Mr. Kevin Delaney, stated that he lived at 59 Inwood Road for seventeen years and there was no problem with flooding until the property across the street changed hands. He said that the new owners, whose property is on an incline, cut down trees that absorbed the water and that contributed to the problem. Mr. Dennis Shay of 80 Inwood Road, stated that he takes issue with curbing and a dirt berm that was put in by the Town and now water was flowing into his property. He stated that it was unsightly and belongs in an urban area and questioned if cutting down the trees was a violation of wetlands. Mr. Harrel asked what the proposed improvements were. Mr. Cray replied that there will be three catch basins and a 12" to 18" storm drain.

Ms. Thorne stated that if there was no problem 17 years ago and that it has changed dramatically, they have to take a look at the topography and who is responsible for the whole area. Mr. Shay asked why the Town put in curbing without talking to the residents. Ms. Klein stated that the Board should look at the area with Bob Steeger. Ms. Santarella asked why they were hearing more about these situations involving the cutting down of trees and that Parks and Recreation has to look at it. She stated that she would like a field trip to Inwood Road. Mr. Harrel commented that they should look at the history of how the Town acquired the road as it relates to the tree issue.

**g) Transfers**

**1. Planning and Zoning**

**Transfer from Full Time Salary to Consulting. This will allow us to pay for Nancy Sarner as a consultant to do GIS work. We pay her on an hourly basis. Funds are available due to Nancy's resignation in June. Nancy has provided GIS-support on a number of very important projects, including the Town Plan of Conservation & Development; Assessor's Sales Maps for use in court; new Assessors Maps; updates to the Town Inland Wetlands Map; updates to the Zoning Map; and responses to public information requests**

**Regular Meeting  
RESOLVED:**

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**October 17, 2005**

That the following transfer of appropriations is approved for referral to the Board of Finance:

From:			To:		
Acct. No.	Account	Amount	Acct. No.	Account	Amount
10201011-81001	Full Time Salary	\$8,500	10201011-82012	Consulting	\$8,500
TOTAL		\$8,500	TOTAL		\$8,500

- \*\* MS. SANTARELLA MOVED TO APPROVE THE TRANSFER OF APPROPRIATIONS FOR REFERRAL TO THE BOARD OF FINANCE FROM ACCOUNT NUMBER 10201011-81001, FULL TIME SALARY, IN THE AMOUNT OF \$8,500 TO ACCOUNT NUMBER 10201011-82012, CONSULTING, IN THE AMOUNT OF \$8,500.**
- \*\* MR. HARREL SECONDED.**
- \*\* MOTION PASSED UNANIMOUSLY.**

**PUBLIC COMMENT**

Cheryl Russell reported that with the down pouring of rain this past week there was a drainage problem at the high school and mud went into Holly Lane. She reported that Bob Steeger had not, as yet, sent out to bid for the pipe and she thought they asked him to expedite it in August. She stated that something needed to be done.

**APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

**EXECUTIVE SESSION MEETING OF SEPTEMBER 19, 2005**

- \*\* MS. SANTARELLA MOVED TO APPROVE THE MINUTES OF SEPTEMBER 19, 2005 AS WRITTEN.**
- \*\* DR. MICELI SECONDED.**
- \*\* MOTION PASSED WITH FOUR IN FAVOR AND ONE ABSTENTION (MS. KLEIN).**

**REGULAR MEETING OF SEPTEMBER 19, 2005**

The following changes were made to the Minutes of September 19, 2005

Page 1: Senior Task Force: First sentence: Change to: There will be a preliminary report ...

Page 2: a) Depot Report: Change spelling to Ms. Santarella.

Page 2: b) First paragraph: First sentence: change to: Ms. Santarella recognized Mr. Cameron, representing PZ&H on behalf of Mrs. Grimes.

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Page 2: b) Third paragraph: delete representing the Senior Center

Page 4: Third paragraph: Last sentence: Mr. Cameron suggested that when the meetings are broadcast on Cablevision, it might get more people interested .....

- \*\* MR. HARREL MOVED TO APPROVE THE MINUTES OF SEPTEMBER 19, 2005 AS AMENDED.**
- \*\* DR. MICELI SECONDED.**
- \*\* MOTION PASSED UNANIMOUSLY.**

**EMERGENCY MEETING OF OCTOBER 3, 2005**

- \*\* MR. HARREL MOVED TO APPROVE THE MINUTES OF OCTOBER 3, 2005 AS WRITTEN.**
- \*\* MS. SANTARELLA SECONDED.**
- \*\* MOTION PASSED UNANIMOUSLY.**

**APPOINTMENTS/REAPPOINTMENTS**

**Consider and take action on the following appointments:**

- a) Lisa Ioli (R) as a member of the Social Services Commission, replacing Holly Hawes, for a term beginning 11/8/04 and expiring on 11/30/07.**
- b) Craig Flaherty (D) as a member of the Environmental Protection Commission, replacing Nina Miller, for a term beginning 7/1/05 and expiring on 6/30/08.**

- \*\* MS. THORNE MOVED TO APPROVE THE FOLLOWING APPOINTMENTS:**

**LISA IOLI (R) AS A MEMBER OF THE SOCIAL SERVICES COMMISSION, REPLACING HOLLY HAWES, FOR A TERM BEGINNING 11/8/04 AND EXPIRING ON 11/30/07 AND CRAIG FLAHERTY (D) AS A MEMBER OF THE ENVIRONMENTAL PROTECTION COMMISSION, REPLACING NINA MILLER, FOR A TERM BEGINNING 7/1/05 AND EXPIRING ON 6/30/08.**

- \*\* DR. MICELI SECONDED.**
- \*\* MOTION APPROVED UNANIMOUSLY.**

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**FORTHCOMING MEETINGS**

- October 18, 2005— Planning & Zoning Commission General Meeting at 8:00 p.m.
- October 19, 2005—Parks & Recreation Commission Meeting at 7:30 p.m.
- October 25, 2005— Planning & Zoning Commission Public Hearing at 8:00 p.m.
- November 7, 2005—Board of Selectmen Regular meeting at 5:30 p.m.
- November 14, 2005—Regular Meeting of the RTM
- November 21, 2005—Board of Selectmen Regular meeting at 7:30 p.m.

**OTHER BUSINESS**

(A two-thirds majority vote is required to add an item to the agenda)

Mr. Harrel stated that this was the last meeting he would be attending. Ms. Thorne thanked Mr. Harrel for his service on the Board and added that she enjoyed working with him. Ms. Santarella expressed that she greatly appreciated Mr. Harrel's mentoring her.

**\*\* MR. HARREL MOVED TO ADJOURN THE MEETING.**

**\*\* DR. MICELLI SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 9:20 p.m.

Respectfully Submitted,

Donna DeVito  
Telesco Secretarial Services

**Board of Selectmen**